FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9349 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders

Court's or Judge's orders

Shri M.R.Suryawanshi for the petitioners.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. By this writ petition the petitioners challenge the Judgment and order passed in RTS proceedings by Additional Commissioner, Pune division, Pune, on 24.5.2004 whereby a revision filed by the present petitioner nos.1 & 2 has been dismissed. The RTS proceedings arose out of a mutation made in favour of petitioner nos.1 & 2 in respect of lands bearing gut no.1251/1 and 1251/2. Admittedly the petitioner nos.1

& 2 have no right in respect of the said land and claimed to be cultivating at the behest of the landlord. In so far as respondent no.1 is concerned, she is the daughter of the protected tenant. After the death of the protected tenant, 32-G proceedings were initiated but the same was postponed as the original owner Mahadeo Deshpande died and his wife i.e. petitioner no.3 was a widow. The impugned order indicates that the purchase price had been fixed and respondent no.1 obtained a 32-M certificate.

2. In my view, this is not a fit case for interference in my jurisdiction under Article 227 of the Constitution of India. Petitioners get their rights if any, established in the Civil Court. Hence, petition is rejected.

(R.S.Mohite,J)